

Calendar No. 434

104TH CONGRESS
2^D SESSION

S. 1559

A BILL

To make technical corrections to title 11, United States Code, and for other purposes.

JUNE 13, 1996

Reported with an amendment

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104TH CONGRESS
2D SESSION**S. 1559**

To make technical corrections to title 11, United States Code, and for other purposes.

 IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1996

Mr. GRASSLEY (for himself and Mr. HEFLIN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

JUNE 13, 1996

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To make technical corrections to title 11, United States Code, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bankruptcy Technical
5 Corrections Act of 1996”.

1 **SEC. 2. DEFINITIONS.**

2 Section 101 of title 11, United States Code, is
3 amended—

4 (1) by striking “In this title—” and inserting
5 “In this title.”;

6 (2) in paragraph (51B)—

7 (A) by inserting “family farms and” after
8 “other than”; and

9 (B) by striking all after “thereto” and in-
10 serting a semicolon;

11 (3) by reordering the paragraphs so that the
12 terms defined in the section are in alphabetical order
13 and redesignating the paragraphs accordingly;

14 (4) in paragraph (37)(B), as redesignated, by
15 striking “paragraphs (21B) and (33)(A)” and in-
16 serting “paragraphs (23) and (35)(A)”;

17 (5) in each paragraph, by inserting a heading,
18 the text of which is comprised of the term defined
19 in the paragraph;

20 (6) by inserting “The term” after each para-
21 graph heading; and

22 (7) by striking the semicolon at the end of each
23 paragraph and “; and” at the end of paragraphs
24 (35) and (38) and inserting a period.

1 **SEC. 3. ADJUSTMENT OF DOLLAR AMOUNTS.**

2 Section 104 of title 11, United States Code, is
3 amended by inserting “522(f)(3),” after “522(d),” each
4 place it appears.

5 **SEC. 4. COMPENSATION TO OFFICERS.**

6 Section 330(a) of title 11, United States Code, is
7 amended—

8 (1) in paragraph (1), by inserting “, or the
9 debtor’s attorney” after “1103”;

10 (2) in paragraph (3), by striking “(3)(A) In”
11 and inserting “(3) In”; and

12 (3) in paragraph (4)(A)(ii)(I), by striking “or”
13 and inserting “and”.

14 **SEC. 5. EFFECT OF CONVERSION.**

15 Section 348(f)(2) of title 11, United States Code, is
16 amended by inserting “of the estate” after “property” the
17 first place it appears.

18 **SEC. 6. ALLOWANCE OF ADMINISTRATIVE EXPENSES.**

19 Section 503(b)(4) of title 11, United States Code, is
20 amended by inserting “subparagraph (A), (B), (C), (D),
21 or (E) of” after “under”.

22 **SEC. 7. PRIORITIES.**

23 Section 507(a)(7) of title 11, United States Code, is
24 amended by inserting “unsecured” after “allowed”.

1 **SEC. 8. EXEMPTIONS.**

2 Section 522 of title 11, United States Code, is
3 amended—

4 (1) in subsections (b)(1) and (d)(10)(E), by
5 striking “unless” and inserting “but only to the ex-
6 tent that”; and

7 (2) in subsection (f)(1)(A)(ii)(II), by striking
8 “support;” and inserting “support;”.

9 **SEC. 9. EXCEPTIONS TO DISCHARGE.**

10 Section 523(a)(3) of title 11, United States Code, is
11 amended by striking “or (6)” each place it appears and
12 inserting “(6), or (15)”;

13 **SEC. 10. PROTECTION AGAINST DISCRIMINATORY TREAT-**
14 **MENT.**

15 Section 525(e) of title 11, United States Code, is
16 amended—

17 (1) in paragraph (1), by inserting “student” be-
18 fore “grant” the second place it appears; and

19 (2) in paragraph (2), by striking “the program
20 operated under part B, D, or E of” and inserting
21 “any program operated under”.

22 **SEC. 11. PROPERTY OF THE ESTATE.**

23 Section 541(b)(4)(B)(ii) of title 11, United States
24 Code (as added by section 208(b) of the Bankruptcy Re-
25 form Act of 1994), is amended by inserting “365 or” be-
26 fore “542”.

1 **SEC. 12. LIMITATIONS ON AVOIDING POWERS.**

2 Subsection (g) of section 546 of title 11, United
3 States Code, as added by section 222(a) of the Bank-
4 ruptcy Reform Act of 1994 (108 Stat. 4129), is redesign-
5 nated as subsection (h).

6 **SEC. 13. LIABILITY OF TRANSFEREE OF AVOIDED TRANS-**
7 **FER.**

8 Section 550(e)(1) of title 11, United States Code, is
9 amended by striking “547(b)” and inserting “547”.

10 **SEC. 14. GENERAL PROVISIONS.**

11 Section 901(a) of title 11, United States Code, is
12 amended by inserting “1123(d),” after “1123(b),”.

13 **SEC. 15. DISCHARGE.**

14 Section 1228 of title 11, United States Code, is
15 amended by striking “1222(b)(10)” each place it appears
16 and inserting “1222(b)(9)”.

17 **SEC. 16. CONTENTS OF PLAN.**

18 Section 1322 of title 11, United States Code, is
19 amended—

20 (1) in subsection (b), by striking “(c)” and in-
21 serting “(d)”; and

22 (2) in subsection (e), by striking the comma
23 after “default” the second place it appears.

24 **SEC. 17. DISCHARGE.**

25 Section 1328(a) of title 11, United States Code, is
26 amended—

1 (1) in paragraph (1), by adding “or” after the
2 semicolon;

3 (2) in paragraph (2), by striking “or 523(a)(9)
4 of this title; or” and inserting a period; and

5 (3) in paragraph (3), by inserting “, or a fine
6 to the extent such fine exceeds \$500,” after “restitu-
7 tion”.

8 **SEC. 18. BANKRUPTCY REVIEW COMMISSION.**

9 Section 604 of the Bankruptcy Reform Act of 1994
10 (108 Stat. 4147) is amended—

11 (1) by striking subsection (g); and

12 (2) by redesignating subsection (h) as sub-
13 section (g).

14 **SEC. 19. EFFECTIVE DATE OF AMENDMENTS.**

15 The amendments made by this Act shall apply in all
16 cases or proceedings filed or commenced on or after March
17 22, 1996.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Bankruptcy Technical*
20 *Corrections Act of 1996”.*

21 **SEC. 2. DEFINITIONS.**

22 Section 101 of title 11, United States Code, is amend-
23 ed—

24 (1) by striking “In this title—” and inserting
25 “*In this title:*”;

1 (2) *in paragraph (51B)—*

2 (A) *by inserting “family farms or” after*
3 *“other than”; and*

4 (B) *by striking all after “thereto” and in-*
5 *serting a semicolon;*

6 (3) *by reordering the paragraphs so that the*
7 *terms defined in the section are in alphabetical order*
8 *and redesignating the paragraphs accordingly;*

9 (4) *in paragraph (37)(B) (defining insured de-*
10 *pository institution), as redesignated by paragraph*
11 *(3) of this section, by striking “paragraphs (21B) and*
12 *(33)(A)” and inserting “paragraphs (23) and*
13 *(35)(A)”;*

14 (5) *in each paragraph, by inserting a heading,*
15 *the text of which is comprised of the term defined in*
16 *the paragraph;*

17 (6) *by inserting “The term” after each para-*
18 *graph heading; and*

19 (7) *by striking the semicolon at the end of each*
20 *paragraph and “; and” at the end of paragraphs (35)*
21 *and (38) and inserting a period.*

22 **SEC. 3. ADJUSTMENT OF DOLLAR AMOUNTS.**

23 Section 104 of title 11, United States Code, is amended
24 by inserting “522(f)(3),” after “522(d),” each place it ap-
25 pears.

1 **SEC. 4. COMPENSATION TO OFFICERS.**

2 *Section 330(a) of title 11, United States Code, is*
 3 *amended—*

4 *(1) in paragraph (1), by inserting “, or the debt-*
 5 *or’s attorney” after “1103”; and*

6 *(2) in paragraph (3), by striking “(3)(A) In”*
 7 *and inserting “(3) In”.*

8 **SEC. 5. EFFECT OF CONVERSION.**

9 *Section 348(f)(2) of title 11, United States Code, is*
 10 *amended by inserting “of the estate” after “property” the*
 11 *first place it appears.*

12 **SEC. 6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.**

13 *Section 365 of title 11, United States Code, is amend-*
 14 *ed—*

15 *(1) in subsection (c)—*

16 *(A) in paragraph (2), by adding “or” at the*
 17 *end;*

18 *(B) in paragraph (3), by striking “or” at*
 19 *the end and inserting a period; and*

20 *(C) by striking paragraph (4);*

21 *(2) in subsection (d), by striking paragraphs (5)*
 22 *through (9); and*

23 *(3) in subsection (f)(1), by striking “; except*
 24 *that” and all that follows through the end of the para-*
 25 *graph and inserting a period.*

1 **SEC. 7. ALLOWANCE OF ADMINISTRATIVE EXPENSES.**

2 *Section 503(b)(4) of title 11, United States Code, is*
 3 *amended by inserting “subparagraph (A), (B), (C), (D), or*
 4 *(E) of” before “paragraph (3)”.*

5 **SEC. 8. PRIORITIES.**

6 *Section 507(a)(7) of title 11, United States Code, is*
 7 *amended by inserting “unsecured” after “allowed”.*

8 **SEC. 9. EXEMPTIONS.**

9 *Section 522 of title 11, United States Code, is amend-*
 10 *ed—*

11 *(1) in each of subsections (b)(1) and (d)(10)(E),*
 12 *by striking “unless” and inserting “but only to the*
 13 *extent that”;*

14 *(2) in subsection (f)(1)(A)(ii)(II), by striking*
 15 *“support;” and inserting “support;”; and*

16 *(3) in subsection (g)(2), by striking “subsection*
 17 *(f)(2)” and inserting “subsection (f)(1)(B)”.*

18 **SEC. 10. EXCEPTIONS TO DISCHARGE.**

19 *Section 523(a)(3) of title 11, United States Code, is*
 20 *amended by striking “or (6)” each place it appears and*
 21 *inserting “(6), or (15)”;*

22 **SEC. 11. PROTECTION AGAINST DISCRIMINATORY TREAT-**
 23 **MENT.**

24 *Section 525(c) of title 11, United States Code, is*
 25 *amended—*

1 *such transfer was made for the benefit of a transferee*
2 *that was not an insider at the time of such transfer,*
3 *or recover under subsection (a) from a transferee that*
4 *was not an insider at the time of such transfer”.*

5 *(b) CONFORMING AMENDMENT.—Section 547(b) of title*
6 *11, United States Code, is amended by inserting “or in sec-*
7 *tion 550(c) of this title” after “subsection (c) of this sec-*
8 *tion”.*

9 **SEC. 15. SETOFF.**

10 *Section 553(b)(1) is amended by striking “362(b)(14)”*
11 *and inserting “362(b)(17)”.*

12 **SEC. 16. DISPOSITION OF PROPERTY OF THE ESTATE.**

13 *Section 726(b) is amended by striking “1009,”.*

14 **SEC. 17. GENERAL PROVISIONS.**

15 *Section 901(a) of title 11, United States Code, is*
16 *amended by inserting “1123(d),” after “1123(b),”.*

17 **SEC. 18. PAYMENTS.**

18 *Section 1226(b)(2) is amended—*

19 *(1) by striking “1202(c) of this title” and insert-*
20 *ing “586(b) of title 28”; and*

21 *(2) by striking “1202(d) of this title” and insert-*
22 *ing “586(e)(1)(B) of title 28”.*

1 **SEC. 19. DISCHARGE.**

2 *Section 1228 of title 11, United States Code, is amend-*
3 *ed by striking “1222(b)(10)” each place it appears and in-*
4 *serting “1222(b)(9)”.*

5 **SEC. 20. CONTENTS OF PLAN.**

6 *Section 1322 of title 11, United States Code, is amend-*
7 *ed—*

8 *(1) in subsection (b), by striking “(c)” and in-*
9 *serting “(d)”;* and

10 *(2) in subsection (e), by striking the comma after*
11 *“default” the second place it appears.*

12 **SEC. 21. DISCHARGE.**

13 *Section 1328(a) of title 11, United States Code, is*
14 *amended by striking all after “except any debt—” and in-*
15 *serting the following:*

16 *“(1) provided for under section 1322(b)(5) of this*
17 *title;*

18 *“(2) of the kind specified in paragraph (5), (8),*
19 *or (9) of section 523(a) of this title; or*

20 *“(3) for restitution, or a criminal fine, included*
21 *in a sentence on the debtor’s conviction of a crime.”.*

22 **SEC. 22. BANKRUPTCY REVIEW COMMISSION.**

23 *Section 604 of the Bankruptcy Reform Act of 1994*
24 *(108 Stat. 4147) is amended—*

25 *(1) by striking subsection (g); and*

1 (2) by redesignating subsection (h) as subsection
2 (g).

3 **SEC. 23. APPOINTMENT OF TRUSTEE.**

4 Section 1104(b) of title 11, United States Code, is
5 amended—

6 (1) by inserting “(1)” after “(b)”; and

7 (2) by adding at the end the following new para-
8 graph:

9 “(2)(A) If an eligible, disinterested trustee is elected
10 at a meeting of creditors under paragraph (1), the United
11 States trustee shall file a report certifying that election.
12 Upon the filing of a report under the preceding sentence—

13 “(i) the trustee elected under paragraph (1) shall
14 be considered to have been selected and appointed for
15 purposes of this section; and

16 “(ii) the service of any trustee appointed under
17 subsection (d) shall terminate.

18 “(B) In the case of any dispute arising out of an elec-
19 tion under subparagraph (A), the court shall resolve the dis-
20 pute.”.

21 **SEC. 24. EXTENSIONS.**

22 Section 302(d)(3) of the Bankruptcy, Judges, United
23 States Trustees, and Family Farmer Bankruptcy Act of
24 1986 (28 U.S.C. 581 note) is amended—

1 (1) *in subparagraph (A), in the matter following*
2 *clause (ii), by striking “October 1, 2002” and insert-*
3 *ing “October 1, 2012”; and*

4 (2) *in subparagraph (F)—*

5 (A) *in clause (i)—*

6 (i) *in subclause (II), by striking “Octo-*
7 *ber 1, 2002” and inserting “October 1,*
8 *2012”; and*

9 (ii) *in the matter following subclause*
10 *(II), by striking “October 1, 2003” and in-*
11 *serting “October 1, 2013”; and*

12 (B) *in clause (ii), in the matter following*
13 *subclause (II), by striking “October 1, 2003” and*
14 *inserting “October 1, 2013”.*

15 **SEC. 25. KNOWING DISREGARD OF BANKRUPTCY LAW OR**
16 **RULE.**

17 *Section 156(a) of title 18, United States Code, is*
18 *amended by striking “case under this title” and inserting*
19 *“case under title 11”.*

20 **SEC. 26. BANKRUPTCY CASES AND PROCEEDINGS.**

21 *Section 1334(d) of title 28, United States Code, is*
22 *amended—*

23 (1) *by striking “made under this subsection” and*
24 *inserting “made under subsection (c)”; and*

1 (2) *by striking “This subsection” and inserting*
2 *“Subsection (c)”.*

3 **SEC. 27. EFFECTIVE DATE OF AMENDMENTS.**

4 (a) *IN GENERAL.—Except as provided in subsection*
5 *(b) of this section, the amendments made by this Act shall*
6 *apply to all cases pending on the date of enactment of this*
7 *Act or commenced on or after the date of enactment of this*
8 *Act.*

9 (b) *EXCEPTION.—The amendment made by section*
10 *2(2)(B) of this Act shall apply to all cases commenced on*
11 *or after the date of enactment of this Act.*